

Amendments to the Drawings:

The attached sheets of drawings include changes to pages 13/21 and 14/21 relating to Fig. 14. The sheet 13/21, which includes Fig. 14 a,b,c,d, replaces the original sheet including Fig. 14 e,f,g. The sheet 14/21, which includes Fig. 14 e,f,g, replaces the original sheet including Fig. 14 a,b,c,d. The replacement sheets are renumbered and the brackets are deleted; there are no substantive changes.

Attachment: Replacement Sheets 13/21 and 14/21

BEST AVAILABLE COPY

Serial No. 10/030308

REMARKS/ARGUMENTS

This is in response to the Final Rejection dated June 8, 2005; the 2-months' response to which is due on August 8, 2005. The claims in the application are 66-76, all previous claims having been canceled in this paper

Review of Applicant's remarks, entry of the amendment, and reconsideration of the rejection is respectfully requested. In the alternative, the Examiner is respectfully requested to enter the paper for the purposes of appeal.

Under the provisions of Rule 116 and MPEP 714.12, the following response, being filed by facsimile transmission, which is believed to respond fully to the issues raised in the Final Rejection, is requested to be entered. Review of this amendment by the Examiner will not present any unreasonable burden, or necessitate an additional search. The Patent Examiner is respectfully requested to reconsider the rejection in light of the amendments and arguments contained herein and allow the claims and pass the case to issue. The amendments contained herein could not have been earlier presented. Applicants have reviewed the rejection and their application and believe that the arguments herein presented are responsive to the rejection and place the case in condition for allowance.

The claims in the application are 66-76. These claims correspond to Claims 52-56 and 59-65. The language of the newly added claims is commensurate with the enablement, as outlined by the Examiner in the Final Rejection, June 8, 2005, p. 3. Both the promoter and the species of animal encompassed by the Claims are supported in the specification. The requirement of an operable linkage between the gene and the sequence directing expression of the gene in the mouse. Corrections to the claim language to avoid the indefiniteness rejection have also been made.

The application was rejected under 35 U.S.C. § 112, first paragraph, and 35 U.S.C. § 112, second paragraph. The Examiner has alleged that the specification would require additional undue experimentation to enable the scope of the claims. The claims were also rejected for being indefinite. The claims newly presented in this paper after Final Rejection are believed to avoid all of the grounds for rejection and objection mentioned in the paper of

Serial No. 10/030308

BEST AVAILABLE COPY
- 5 - **BEST AVAILABLE COPY**

June 8, 2005, and to be allowable. Reconsideration and withdrawal of both rejections is respectfully requested.

The objection to the informality in the claim language ("A" vs. "the") has been corrected in the newly added claims.

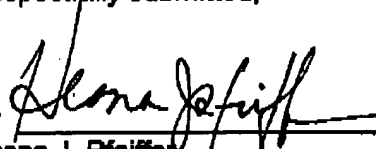
The drawing sheets 13/21 and 14/21 have been revised and replacement sheets are attached. Figure 14 is now presented in consecutive order. Brackets are not used in the replacement sheets.

Reconsideration and withdrawal of the rejection insofar as it could be applied to the Claims 66-75 in the application, under 35 U.S.C. §112, first paragraph and 35 U.S.C. § 112, second paragraph, are respectfully requested. Notice of allowance is respectfully requested.

Should the Examiner feel that telephonic communication with Applicants' representative would further the prosecution of the instant application, she is invited to telephone the undersigned.

Respectfully submitted,

By


Hesna J. Pfeiffer
Reg. No. 22,640

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2830
1515august2005 amend after final.doc
Attachments
Dated: August 5, 2005

BEST AVAILABLE COPY

Serial No. 10/030308